

The Gazette

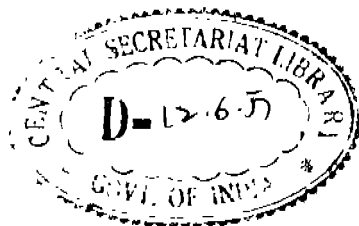


of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY



No. 300] NEW DELHI, WEDNESDAY, JUNE 5, 1957/JYAISTHA 15, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 24th May 1957

S.R.O. 1914.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 477 of 1957, presented to the Commission on the 11th May, 1957 under section 81 of the said Act, by Shrimati Krishna Kumari, w/o Shri Piare Lal, resident of 91/2, Civil Lines, Unnao, District Unnao, Uttar Pradesh calling in question the election to the House of the People from the Unnao constituency of that House of Shri Vishambhar Dayal, son of Shri Gaya Prasad, resident of Unnao, District Unnao, Uttar Pradesh and Shrimati Ganga Devi wife of Shri Jaipal Singh, resident of Mohalla Purani Mandi, Saharanpur, District Saharanpur, Uttar Pradesh.

Appendices I to IX to the petition are not published.

Presented to me by Shrimati Krishna Kumari whose signature has been obtained in the margin and attested as having been signed before me this the Eleventh day of May One Thousand Nine Hundred and Fifty Seven.

(Sd.) Attested. KRISHNA KUMARI.
(Sd.) DIN DAYAL, 11-5-57.

(Sd.) DIN DAYAL, 11-5-57.

BEFORE THE ELECTION COMMISSION OF INDIA AT NEW DELHI.

ELECTION PETITION No 477 of 1957

Krishna Kumari, w/o Shri Piare Lal, resident of 91/2, Civil Lines, Unnao, District Unnao, U.P.—*Petitioner.*

Versus

1. Shri Vishambhar Dayal, son of Shri Gaya Prasad, resident of Unnao, District Unnao, U.P.
2. Shrimati Ganga Devi, wife of Shri Jaipal Singh, resident of Mohalla Purani Mandi, Saharanpur, District Saharanpur, U.P.
3. Shri Tribhuwan Singh, son of Shri Kalka Singh, resident of village Magarwara, District Unnao, U.P.—*Respondents-Opposite Parties.*

The humble petitioner respectfully sheweth:—

1. That the petitioner was a candidate for the Lok Sabha from No. 361 Unnao double member Parliamentary Constituency and only the following four persons were duly nominated and all of them contested the election upto the end.

1 Shri Vishambhar Dayal	Respondent No 1
2 Shrimati Ganga Devi	Respondent No 2
3 Shri Tribhuwan Singh	Respondent No 3
4 Shrimati Krishna Kumari	the petitioner

2 That out of the four candidates duly nominated the Respondent No 1 Shri Vishambhar Dayal and Respondent No 2 Shrimati Ganga Devi were the official candidates of the Congress Party and Respondent No 3 Shri Tribhuwan Singh and the petitioner Shrimati Krishna Kumari were the official candidates of the Praja Socialist Party. The Respondent No 2 Shrimati Ganga Devi and the petitioner Shrimati Krishna Kumari were the candidates for the Reserved seat for Scheduled Caste and Respondent No 1 Shri Vishambhar Dayal and Respondent No 3 Shri Tribhuwan Singh were the candidates for the General seat.

3 That the polling in the Lok Sabha constituency No 361 of Unnao was held on 25th and 28th February 1957 and on 3rd, 6th and 7th March 1957. The counting of votes was done on 13th and 14th March 1957 at Lucknow and on 21st to 23rd and 27th March 1957 at Unnao. The result of the election was declared on the 27th March 1957 by the Returning Officer Shri U. N. Srivastava, the District Magistrate, Unnao.

4 That the result of counting was declared and the following four candidates received the votes noted against each

- 1 Shri Vishambhar Dayal got 1,73,684 votes
- 2 Shrimati Ganga Devi got 1,62,211 votes
- 3 Shri Tribhuwan Singh got 1,59,093 votes
- 4 Shrimati Krishna Kumari got 1,53,119 votes

and as the result of counting the Returning Officer declared Respondent No 1 Shri Vishambhar Dayal and Respondent No 2 Shrimati Ganga Devi to be duly elected to the general and the reserved seat respectively.

5 That the election propaganda of Respondents Nos 1 and 2 was joint and they had made a common cause in this election and had identified their interest with each other being the official Congress candidates. The Assembly candidates contesting on Congress Party ticket had also utilised the same agency and propaganda machinery to contest the election. Shri Parmeshwar Dun Varma and Shri Shiv Gopal Tiwari Independent candidates for Uttar Pradesh Legislative Assembly from Purwa and Sahpur Constituencies respectively were also active supporters of Respondents Nos 1 and 2 and for the purposes of election were their agents.

6 The No 361 Unnao Parliamentary Constituency comprises of ten State Assembly Constituencies and the Congress lost nine out of the ten seats and the only seat which went to the Congress was won by a narrow margin of nearly 600 votes.

7 That the election of Respondents 1 and 2 is void on account of corrupt practices as defined under section 123 of the Representation of Peoples Act, 1951 committed by them and by their agents and workers. The corrupt practices are detailed hereafter in subsequent paragraphs.

(a) That Shri Bal Gangadhar Tripathi, brother of Respondent No 1 and President of District Congress Committee, Unnao who was agent worker and active supporter of Respondents Nos 1 and 2 issued a pamphlet entitled श्रीमती कृष्णा कुमारी काँग्रेस में निकाली गई. "This pamphlet was distributed throughout the Unnao District and Mohanlal Ganj and Mohanabad Tahasils of Lucknow Distt from 17th February to 9th March 1957 by Respondents Nos 1 and 2 and by Shri Bal Gangadhar Tripathi and other congress workers. This pamphlet contained a false statement of fact and which the Respondents believed to be false or did not believe to be true in relation to the personal character of the petitioner and in relation to the petitioner's candidature. The petitioner never signed any congress pledge nor gave any undertaking that if she were not given congress ticket, she would not fight the election against any congress candidate. In fact the petitioner was not even a four Anna member of the congress. This pamphlet charged the petitioner with improper conduct and thereby weakened the petitioners moral stand before the electorate and thus seriously prejudiced the petitioners election.

The pamphlet No. 1 is herewith attached. Some of the workers who distributed the pamphlet at various places are given below:—

Name and address	Place of Distribution	Date
Pancham Lal r/o Hussain Nagar, Unnao & Badri Pd. r/o Nawabganj, Unnao.	Unnao City and surrounding villages, District Court, Unnao and villages of Hasanganj & Safipur Constituency.	25-2-57 to 8-3-57
Bechu Lal r/o Daudapur, Maiku Lal r/o Guleva Khara, Baijnath and Chiranjilal of Ghatampur, Ram Kishan & Chotey Lal of Dundpur Rujhai, Unnao.	In the whole of Bhagwant Nagar and Purwa Constituency.	25-2-57 to 5-3-57
Dr. Azad, Mahadeo Prasad Asthana, Sewa Ram, M.L.A., Buddha Lal of Bangar Mau, Kandhai Lal of Gangaghat, Zafar Ali and Zahid Ali Khan, O.P. Asthana-Safipur.	Unnao and Safipur Constituencies specially in Bangar Mau, Safipur, Moradabad etc.	23-2-57 to 9-3-57
Tota Ram, Pehar Nagar, Lucknow, Maiku Das, Gosain Ganj, Lucknow, Lila Chaudhary, Barauli, Lucknow, Chedda, Pradhan Misa, Lucknow, Sri Gaya Prashad, Lucknow.	Mohanlal Ganj and Malihabad constituencies. Specially in Mohanlal Ganj, Gosanganj and Malihabad and Mall.	24-2-57 to 3-3-57

and many other workers whose names can be submitted if and when required.

(b) That another pamphlet entitled काँग्रेस को बोट देकर जवाहर लाल नेहरू के हाथ मजबूत कीजिए (No. II) issued on behalf of Respondents Nos. 1 and 2 by Sri Muneshwar Singh of Banthar and Arya Nandan Singh of Galgalaha who were active workers and supporters of Respondents Nos. 1 and 2. This pamphlet also contained a false statement of fact about the personal character and conduct of the petitioner and the authors of this pamphlet knew the statement to be false or did not believe it to be true in relation to the candidature of the petitioner. This pamphlet also contained the false statement of fact that the petitioner had signed a congress pledge for congress Ticket and on not getting the congress ticket the petitioner had become a P.S.P. candidate. The pamphlet charged the petitioner with opportunism and attacked the personal character of the petitioner. This pamphlet seriously prejudiced the petitioner's election. This pamphlet was also distributed throughout the Parliamentary Constituency between 22 February to 9th March 1957 by the Respondents 1 and 2 and the author of the pamphlet and their workers and supporters, some of whom are named below:—

Name and address	Place of distribution	Date
Baijnath and Chiranjilal of Ghatampur, Bechu Lal, Daudapur, Mohan Lal, M.L.A. (Ex.) of Ghatampur.	Bhagwant Nagar Bigapur, Rujhai, Bara Daudapur Ghatampur, Purwa Maurawan and other villages of Bhagwantnagar and Purwa constituencies.	28-2-57 to 6-3-57
Dr. Azad, Mahadeo Prasad Asthana, Sewa Ram, M.L.A., Buddha Lal of Bangar Mau, Kandhai Lal of Gangaghat, Zafar Ali and Zahid Ali Khan, O.P. Asthana-Safipur.	Unnao and Safipur constituencies specially Unnao, Magarwara, Gangaghat, Bangar Mau, Safipur, Moradabad etc.	28-2-57 to 9-3-57
Tota Ram, Pehar Nagar, Lucknow, Maiku Das, Gosain Ganj, Lucknow, Lila Chaudhary, Barauli, Lucknow, Chedda, Pradhan Misa, Lucknow, Sri Gaya Prashad, Lucknow.	Mohanlal Ganj, and Malihabad constituencies specially Mohanlal Ganj, Gosain Ganj, Bijnore, Banthara and Malihabad.	24-2-57 to 3-3-57
Pancham Lal, Hussain Nagar Unnao and Badri Prasad of Nawabganj, Unnao., Sri Mohanlal Ex M.L.A.	Unnao City and surrounding villages, Distt. Court Unnao and villages of Hasanganj and Safipur constituency.	25-2-57 to 8-3-57

(c) That a pamphlet entitled सभी छोटे भाइयों से अपील (No III) was issued on behalf of Respondents 1 and 2 by Srimati Janki Devi who was an active supporter of Respondents 1 and 2. This pamphlet was freely distributed by the workers and supporters of Respondents Nos. 1 and 2 between 15th February and 9th March 1957 throughout the constituency. This pamphlet contained a systematic appeal to vote for Respondents 1 and 2 on grounds of Caste and Community. This statement amounted to under influence and contained false statement of fact inasmuch as Srimati Janki Devi was not the president of Scheduled Castes Federation, Uttar Pradesh. A large number of Scheduled Caste voters owe their allegiance to Scheduled Castes Federation. The false statement of fact which Srimati Janki Devi knew to be false and did not believe to be true prejudiced the prospects of petitioners election. The pamphlet No. III referred to above is also attached to this petition. The names of some of the workers who distributed the above pamphlet are given below:—

Name and address	Place of distribution	Date.
Janki Devi, Unnao City, Pancham Lal, Hussain Nagar and Badri Prashad, Nawabganj, Unnao, Sri Sewa Ram, Ex M.L.A.	Unnao City and surrounding villages, District Court, Unnao and villages of Hasan-ganj and Safipur constituencies, Particularly in the villages of Ajjain, Nawabganj, Mohan, Hasanganj and Unnao proper.	22-2-57 to 8-3-57
Dr. Azad, Mahadeo Prasad Asthana, Sewa Ram, Buddha Lal of Bangar Mau, Kandhai Lal of Gangahat, Zafar Ali and Zahid Ali Khan, O.P. Asthana, Safipur.	Unnao and Safipur constituencies, specially Unnao, Magarwara, Ganga-Ghat, Bangar Mau, Safipur Moradabad etc.	23-2-57 to 9-3-57
Bajinath and Chiranjilal of Ghatampur, Unnao, Bechu Lal, Daudapur, Mohan Lal Ex M.L.A. of Ghatampur.	Bhagwant Nagar, Bigapur, Rujhai, Bara Daudapur, Ghatampur Purwa, Maurawan and other villages of Bhagwantnagar and Purwa constituencies.	23-2-57 to 6-3-57
Tota Ram, Pahar Nagar, Lucknow, Maiku Das, Gosain Ganj, Lucknow, Lila Chaudhary, Barauli, Lucknow, Chedda Pradhan Misa, Lucknow, Sri Gaya Prasad, Lucknow.	Mohanlal Ganj, and Malihabad constituencies. Specially Mohan Lal Ganj, Gosainganj, Bijnora, Banthara and Malihabad.	24-2-57 to 3-3-57

(d) That a pamphlet entitled श्री मती गंगा देवी व श्रद्धेय त्रिपाठी जी ही हमारे नेता हैं (No. IV) was issued on behalf of Shrimati Janki Devi, Brahma Deo Tripathi and Pancham Lal Kureel all active supporters and workers of Respondents Nos. 1 and 2. This pamphlet was freely distributed in the constituency by Respondents Nos. 1 and 2 and by their workers and supporters between 15th February 1957 and 9th March 1957. This pamphlet contained a systematic appeal for vote in favour of Respondents Nos. 1 and 2, on grounds of caste and community for the furtherance of the prospects of election of Respondents Nos. 1 and 2. This pamphlet contained false statement of fact in so far that Shrimati Janki Devi described herself as the president of the Scheduled Caste Federation Uttar Pradesh and Sri Pancham Lal Kureel described himself as Secretary of Zila Dalit Varga Sangh, Unnao when in fact they were not such office bearers. Some of the workers who distributed the pamphlet in the constituency are given below:—

Name and address	Place of distribution	Date
Janki Devi, Brahma Deo Tripathi, Pancham Lal Kureel, Badri Prashad and Sewa Ram Ex M.L.A.	Unnao City, Unnao District Court, Civil Lines, Unnao, surrounding villages of Unnao City particularly Ajjain, Nawabganj Achalganj, Megerwara etc.	15-2-57 to 28-2-57
Dr. Azad, Mahadeo Prasad Asthana, Sewa Ram, Buddhalal of Bangar Mau, Kandhai Lal of Gangahat, Zafar Ali and Zahid Ali Khan, O.P. Asthana, Safipur. Ch.	Unnao and Safipur constituencies, Specially Unnao, Magarwara, Gangaghat, Bangar Mau, Safipur, Moradabad etc.	15-2-57 to 9-3-57
Tota Ram, Pahar Nagar, Lucknow, Maiku Das, Gosain Ganj, Lucknow, Lila Chaudhary, Barauli, Lucknow, Chedda, Pradhan Misa, Lucknow, Sri Gaya Prashad, Lucknow, Ch. Narain Das, Vill. Kapera Ghosi Das, Dattkar Chauhan Das, Samei Raim Dayal, Dulal Khera, Lucknow.	Mohanlal Ganj and Malihabad Gosainganj, Ameri, Bahrauli, Bijnora, Mau Kapera, Nizampur, Kazi-khera, Shivlar, Bili-Kalan and Beli Khurd Parchta, Mathi, Kalipashin, Kalli Purab, Barauli, Uthatia, Mowaiya etc.	15-2-57 to 3-3-57
Bajinath and Chiranjilal of Ghatampur, Unnao, Bechulal, Daudapur, Mohan Lal Ex M.L.A. of Ghatampur, Maiku Lal Kureel of Gulewa Khera.	Bhagwant Nagar, Bigapur, Rujhai, Bara Daudapur, Ghatampur Purwa, Maurawan and other villages of Bhagwantnagar and Purwa constituencies.	20-2-57 to 6-3-57

(e) That the pamphlet published in the name of Sri P. N. Raja Bhoj, President All India Dalit Sewak Samaj (Former President All India Scheduled Caste Federation) by Respondents Nos. 1 and 2 and their workers and supporters issued false and malicious statement contained in the pamphlet that Shri P. N. Raja Bhoj visited the District of Unnao and addressed a conference of the Scheduled Castes is absolutely false and baseless. Sri Raja Bhoj neither visited the District nor addressed any conference in the District. The pamphlet was published with the deliberate intention to unduly influence the Scheduled Castes to vote for Respondents Nos. 1 and 2 (This pamphlet is filed with the return of election expenses of Respondent No. 1).

(f) That a pamphlet entitled कांग्रेस उमीदवारों को वोट दीजिए (No. V) was distributed by Respondents 1 and 2 and by their workers and supporters on their behalf from 20th February to 9th March 1957, throughout the constituency containing a systematic appeal to Yadava Community to vote for Respondents Nos. 1 and 2. This pamphlet was signed by Sri Ramadhin Singh Yadava M.L.A., who appealed to voters in the name of Yadava community to vote for Respondents Nos. 1 and 2. The pamphlet No. V concerned is attached herewith. This leaflet was distributed in the entire constituency, by the following persons:

Name and address	Place of distribution	Date
Sri Ramadhin Singh Ex. M.L.A. Sri Bikhari Lal Yadav of Mardanpur; Shri Chiranjilal of Gharampur; Sri Maikulal of Guleva Khera; Sri Ram Bux of Purwa.	Maurawan, Haleuli, Mardanpur, Purwa, and other villages of Purwa constituency.	20-2-57 to 3-3-57.
Maiku Das, Gosain Ganj, Lila Chaudhary, Barauli, Ch. Narain Das of Vill. Kapera; Ghosi Das, Daitikar, Ram Dayal, Gulal Khera and Chaudhan Das, Samesi.	Mohanlal Ganj, Gosain Ganj, Ameti, Behrauli, Nizampur, Mau, Kapera, and other villages of Mohanlalganj Constituency.	20-2-57 to 3-3-57.
Bajjnath and Chiranjilal of Ghatampur, Unnao, Bechulal of village Daudapur, Unnao.	Bhagawan Nagar, Bigapur, Rujhai, Bara, Daudapur, Ghatampur etc.	20-2-57 to 6-3-57.
Badri Prashad of Nawabganj. Pancham Lal Kureel and Seva Ram Ex. M.L.A.	Unnao City and Civil Lines, Unnao, Aigain, Nawabganj, Husainnagar, Hasanganj, Mohan etc.	20-2-57 to 28-2-57.
Buddha Lal of Banger Mau, Kandhai Lal of Gangaghat.	Moradabad, Safipur, Bangar Mau, Gangaghat and other villages of Safipur constituency.	20-2-57 to 8-3-57.

(g) That a pamphlet entitled कांग्रेस को वोट देकर पं. नेहरू के हाथ मजदूर कीजिए (No. VI) was published and distributed by the Respondents Nos. 1 and 2 and by their workers and supporters between 22nd February 1957 and 9th March 1957, throughout the constituency. This pamphlet is alleged to have been signed by a number of persons belonging to Yadava community including Ramadhin Singh Yadava, M.L.A. and Jagan Nath Yadava, Vice-President of District Yadava Sabha Unnao. This pamphlet also contained a systematic appeal on grounds of Caste and community to further the prospects of Respondents Nos. 1 and 2's election. This pamphlet No. VI is also attached herewith. This pamphlet was distributed by the authors of the pamphlet in villages mentioned in the pamphlet.

(h) That on 3-3-1957 at about noon one Mahadeo Prasad Tewari who is a money lender and who was an active supporter of Respondents Nos. 1 and 2 along with Kankan Singh demanded return of his loan from Munna Pasi, Buddha Pasi and Doari Chamar then and there at the time of polling at polling centre Parwar Poorab or else they should vote for Respondents Nos. 1 and 2. Upon their refusal to do so they were threatened by Mahadeo Prasad Tewari and Kankan Singh. This constitutes a major corrupt practice and makes the entire election void.

(i) That one Sri Chiranji Lal r/o village Ghatampur, Distt. Unnao is an official of the Excise Department and is Prohibition Pracharak and is posted at Unnao District. This Chiranji Lal actively canvassed support for Respondents Nos. 1 and 2 and travelled to different places in the Constituency with Respondents Nos. 1 and 2 to canvass support and exercise undue influence for them between 15th February 1957 and 9th March 1957. A pamphlet entitled किसान और मजदूर तथा हरिजन भाइयों से अपील (No. VII) printed at the Anupam Press, Bhopal House, Lucknow was published in support of Respondents Nos. 1 and 2. This

pamphlet was signed along with others by Sri Chiranjil Lal, Excise Officer and was distributed by Chiranjil Lal himself and by Respondents Nos 1 and 2 and by his workers and supporters between 25th February 1957 and 9th March 1957. A copy of this pamphlet No VII is being attached herewith. Some of the workers who distributed the pamphlet in the constituencies are named below.—

<i>Name and address</i>	<i>Place of distribution</i>	<i>Date</i>
Bechu Lal r/o Daudapur, Maiku Lal r/o Gulab Khera, Baijnath and Chiranjil Lal of Ghatampur, Ram Krishan & Chotey Lal of Daudpur Rujhai, Unnao.	In the whole of Bhagwant Nagar and Purwa Constituency.	25-2-57 to 5-3-57.
Tota Ram, Pahar Nagar, Lucknow, Maiku Das, Gosain Ganj, Lucknow, Lila Chaudhary, Barauli, Lucknow, Chedda, Pradhan Misra, Lucknow, Sri Gaya Prasad, Lucknow, Ch. Narain Das, Vill, Kapare Ghasi Das, Daitikar Chauhan Das, Smesi, Ram Dayal, Sulal Khera, Lucknow	Mohanlal Ganj, Gosanganj, Ameti, Bahrauli, Bijnore, Mau, Kapera, Nizampur, Kazi Khera, Shivali, Baili Kalan, and Beli Khurd Parehta, Mathi, Kalli-Pachim, Kalli Purab, Barauli, Utratia, Mowaiye, Mahabad, Mall, Kakori etc	25-2-57 to 3-3-57.
Badri Prasad of Nawabganj, Pancham Lal Kureel of Husain nagar and Siva Ram Ex M L A	Unnao City and Civil Lines Unnao, Ajjam, Nawabganj, Husanganj, Hasanganj, Mohan etc	25-2-57 to 27-2-57.
Buddha Lal of Bangar Mau, Kandhai Lal of Gangaghat, Om Prakash Asthana, Mahadeo Pd Asthana, Zafar Ali of Safipur	Moradabad, Bangar Mau, Safipur and other villages of Safipur constituency	25-2-57 to 8-3-57.

(j) That the respondent No 1 utilized the position and power as Vice Chairman of the District Board, Unnao and his brother Shri Bal Gangadhar Tripathi as Chairman of the Distt Board the Education Committee, Unnao and obtained and procured the assistance of District Board Employees and Teachers in the matter of carrying on active propaganda for advancing the prospects of the respondents Nos 1 and 2 and undue influence was practised upon the voters in the matter of securing the votes in their favour. The President of the District Board, Unnao, Sri Ram Prasad Pandey made extensive tours throughout the Constituency and canvassed in favour of Respondents Nos 1 and 2. Sri Bal Gangadhar Tripathi issued a circular letter to all the District Board teachers to help the Congress candidates particularly the Respondents Nos 1 and 2.

(k) That respondents Nos 1 and 2 in the course of their election propaganda assured and promised to her workers named below on 15-2-1957 at Bangarmau, District Unnao and at Mohanlal Ganj Lucknow that if she is elected she would arrange to employ them in Government services and secure promotion for those already in Govt service though the influence of her brother Shri Girdhari Lal, a Minister in the UP Cabinet

Name of the persons and their address, who were promised employment, and promotion

- 1 Sri Baij Nath Kureel, vill Ghatampur, P O Bighapur, Unnao on 22-2-1957 at Unnao
- 2 Maiku Lal Kureel, Gadarian Khera, Distt Unnao on 15-2-1957 at Bangarmau, Tehsil Safipur, Distt Unnao
- 3 Sri Budha Lal Harijan Social Worker, Bangar Mau, Teh Safipur, Distt. Unnao on 15-2-1957 at Bangar Mau, Teh Safipur, Distt Unnao
- 4 Sri Kandhai Lal, Gangaghat, Unnao at Bangar Mau on 15-2-1957
- 5 Ram Dayal of vill Gulal Khera, Distt Lucknow on 18-2-1957 at Mohanlal Ganj, Lucknow
- 6 Sri Maiku Das, of vill Gosanganj, on 18-2-1957 at Mohanlal Ganj, Lucknow.
- 7 Ram Lal Kureel, Harijan Kalyan Supervisor at Unnao on 28-2-1957
- 8 Sri Bechu Lal of vill Daudapur, P O Bhagwant Nagar, Distt Unnao at Unnao on 27-2-1957

(l) That a licence for opening and running a Bar was issued to the proprietors of the newly started "Regent Hotel", Bhopal House, Lucknow before the election through Sri Girdhari Lal, Excise Minister, U.P. in utter disregard of the claims of the old and well established Hotels and Restaurants of Lucknow. The proprietors of the "Regent Hotel", and their partners actively worked for the election propaganda of respondents Nos. 1 and 2. The auction of opium shops in Lucknow was stopped by the Excise Minister and it was settled that these shops should be given on commission basis and ultimately one Rai Saheb Munni Lal of Village Kantha, Unnao and his partner Govind Agarwal of Chowk, Lucknow were given eight shops in consideration for the election propaganda that they did in favour of respondents Nos. 1 and 2. Similarly Ch. Narain Das of Village Kapera, District Lucknow was promised on 19th February 1957 at Mohanlal Ganj, Distt. Lucknow by Shrimati Ganga Devi, respondent No. 2 that she would get a handsome Govt. grant-in-aid sanctioned to him for leather tanning work etc

(m) That respondent No. 2 is an important office bearer of the organisation known as "All India Depressed Classes League" and its branches in the State of Uttar Pradesh and is also actively associated with the Harijan Sewak Sangh which is also an all India body and has its branches all over the country. Both these organizations received enormous amounts from the Govt. of India as grant, which was mostly spent for strengthening the Congress Organization and carrying on pro-Congress propaganda in the constituency and outside and also for securing workers for election propaganda and offering them bribes. During the Elections thousands of leaflets were published and distributed by the organizations in the constituency and outside and carried on political activities and election propaganda in favour of respondents Nos. 1 and 2 although these organizations had been declared to be purely Socio-cultural organizations before the grants were sanctioned to these organizations by the Govt. The activities of the organizations unduly influenced and induced the voters to vote for respondent Nos. 1 and 2.

(n) That one bullock cart belonging to Jhaba resident of Purwa and other vehicles were engaged and used by respondents Nos. 1 and 2 and their workers and agent Parmeshwar Din Varma, a successful candidate of the U.P. Legislative Assembly, for bringing the voters to the polling stations for casting their votes. The above mentioned Jhaba of Purwa, District Unnao was challaned by Sri R. K. Khanna, Assistant Hakim Tehsil Purwa on 3rd March 1957 the polling day as he was found bringing voters to the Purwa Polling Station on his bullock cart. This constitutes a major corrupt practice as defined under section 123 of the Representation of Peoples Act and makes the entire election void.

(o) Postal stamps bearing the congress election symbol (Two bullocks with yoke on) with the words "Conkrcz" were issued from and sold in large numbers at the General Post Office of Unnao and Lucknow and their branches with a view to influence and induce the voters to vote for the Congress candidates. The samples of these stamps are enclosed herewith (No. IX). This constitutes a corrupt practice of a Government Department and its Officials helped in furtherance of the prospects of respondents Nos. 1 and 2 in the election.

(p) That the following Government Officers exercise undue influence upon the voters by actively working for respondents Nos. 1 and 2 asking them to vote for Respondents Nos. 1 and 2 and to refrain from voting for the petitioner between 1st of February to 9th of March 1957 in different villages of the constituency. The names of many other Government servants will be submitted latter on. This constitutes a major corrupt practice and vitiates the entire election.

(i) Shri Devi Prasad Misra, Railway Magistrate 1st Class, Unnao actively canvassed for Respondents Nos. 1 and 2 and toured various places including Moradabad, Amwa Para, and Sital Ganj on 8th March, 1957.

(ii) Shri Brij Kishore s/o Sri Randhir Singh r/o village Shivlar, Tehsil Mohanlal Ganj, Lucknow and employed at Loco Workshop and Carriage Department, Northern Railway, Lucknow actively canvassed in favour of respondents Nos. 1 and 2 on 18th February, 1957, and 19th February, 1957, and also on other dates in Mohanlal Ganj, Lucknow. He was also agent of Respondents Nos. 1 and 2 at Shivlar polling station on 3rd March, 1957 the polling day.

- (iii) Lila Chaudhary of village Barauli, District Lucknow and employed at the Carriage Department, Northern Railway, Lucknow did active propaganda in favour of Respondent No. 2 on 18th February, 1957 and 19th February, 1957 and also on other dates.
- (iv) Shri Tota Ram of village Paharh Nagar, Lucknow who is employed as peon in Government office, Lucknow did active propaganda and canvassing in favour of respondents Nos. 1 and 2.
- (v) Shri Baldeo Prasad of village Rup Khara, P.O. Panhan, District Unnao and is a Government servant in District Moradabad was polling agent of Respondent No. 2.
- (vi) Shri Ram Lal Kureel of Village Dundpur Rujhai District Unnao and employed as Harijan Kalyan Supervisor in Unnao actively canvassed for Respondents Nos. 1 and 2 in his official tours in different villages of Tehsil Purwa between 1st February, 1957 to 25th February, 1957.
- (vii) Shri Budha Lal r/o Bangar Mau, Tehsil Safipur, District Unnao and employed as Harijan Welfare worker at Unnao took active part in the election propaganda work of respondents Nos. 1 and 2. He worked and was present at the Conference held at Bangar Mau, Unnao which was addressed by Shri Girdhari Lal, Excise Inspector, U. P.
- (viii) Shri Sahib Lal r/o Civil Lines Unnao and employer as Revenue-Inspector in the District Board, Unnao actively worked for Respondents Nos. 1 and 2 in the city of Unnao and was counting agent on behalf of Respondents Nos. 1 and 2 on 21st March, 1957 to 23rd March, 1957 and was present in the counting booth throughout the counting.
- (q) That respondents Nos. 1 and 2 freely utilized the services of the village officers such as Panches and Sar-panches of Adalti Panchayats and Gaon Sabhas, Lekhpals, Mukhias, Chowkidars and Secretaries of Gram Sabhas etc. All these village officers actively worked for Respondents Nos. 1 and 2. Printed leaflets

entitled“

झोपड़ी में वोट देना । त्रिपाठी जो खिलाफ वोट देना ।

(No. VIII)

which is enclosed herewith was widely distributed by Respondents Nos. 1 and 2 and Pt. Shiv Gopal Tewari, a successful candidate of U.P. Legislative Assembly from Safipur constituency and also by the authors of the pamphlet in the areas mentioned in the pamphlet. Besides, the following village officers also took active part in the election propaganda of Respondents Nos. 1 and 2, in their respective areas and jurisdiction.

- (i) Shri Maiku Singh, Lekhpal, r/o Shahganj, Unnao of Unnao constituency.
- (ii) Lal Bahadur Singh, Consolidation Amin, A.C.O. Circle, Parhiar of Safipur constituency.
- (iii) Jagdish Prasad, Consolidation Amin, A.C.O. Circle Bhainsai Koil of Bhagwant Nagar constituency.
- (iv) Ram Asrey, Adalat Sarpanch, Village Gangauli, Parganas Sikanderpur, District Unnao.
- (v) Lachmi Narain, Adalat Sarpanch, Village Marahpur was also agent of Respondent No. 1.
- (vi) Ram Prasad, Adalat Sarpanch, Village Fadipur canvassed in favour of Respondents Nos. 1 and 2 and was polling agent.
- (vii) Brij Behari, Adalat Sarpanch, served as polling agent at Moradabad polling station.
- (viii) Ganga Sevak Bajpai, of Adalti Panchayat, Ajgain centre, Unnao served as polling agent at Ajgain polling station on 25th February, 1957.
- (ix) Jagdish Prasad, Kanungo, Safipur.
- (x) Surender Singh, Post Master, Safipur.
- (xi) Manna Mukhia and Sabha Pati, Devara Kalan, Unnao as polling agent.
- (xii) Ganga Rattan Kachi, Sabha Pati polling agent at Pakara Buzurg polling station.
- (xiii) Rajendra Narain Dutt, Sabhapati, Katra Bakkas, Village Katra Bakkas, Mohanlalaganj, Unnao.
- (xiii) Rajendra Narain Dutt, Sabhapati Katra Bakkas, Village Katra Bakkas, polling centre on 25th February, 1957.

8. That the election of the Respondent is void on account of non-compliance with the provisions of the Representation of Peoples Act, 1951 and the rules and orders under. The following are some of the instances of such non-compliances which have materially affected the result of the election:—

(a) That at several polling centres viz. Usiyan, Sandana, Barauli, Halauli, Mardampur, Para, Sukhai Khera, Lawa Singhan Khera, Rajwade, Akohari, Bitauli, Mardampur Narainpur Mirri Kalan, Mustafabad and Bachhwara in Unnao District and Intgaon in Lucknow District a large number of voters, who had reached the polling centres well in time and were present within the compound of the polling centres, were not allowed to cast their votes and were driven away. The voters insisted upon casting their votes but they were threatened by the Congress workers working for Respondents Nos. 1 and 2 with dire consequences. At Intgaon polling centre voting was suspended altogether at 12 A.M. on account of threatened violence and riot by workers of Respondents 1 and 2. At Mustafabad polling station, Unnao a person was arrested on the report of one Shri Sitla Prasad as a result the voters became panic struck and got frightened and ran away without voting. Due to the communal tension prevailing at Moradabad and surrounding villages, Tehsil Safipur, Unnao on 1st and 2nd March the voting could not take place in the normal course as the communal tension continued till the polling day.

(b) That on 22nd March, 1957 the ballot box of Safipur polling centre of Sri T. Singh Respondent No. 3 contained no symbol inside the box and an objection to this effect was made.

(c) That one ballot box No. 29/1 belonging to the petitioner in Hasanganj polling centre was found broken, the lid was separated from the box and the outer symbols were both of the petitioner and Respondent No. 3 and no symbol was found inside the box itself. The small label (number label) which is fixed on the outer lid of the box was found inside the box.

(d) That in ballot box No. 68 of the petitioner ballot papers were found under the lid over the seal which establishes that the ballot box was tampered with.

(e) That in the box No. 82/1 of the petitioner acid was discovered at the time of counting and it was apparent that acid was poured in the box in large quantity. A "Dona" was also found inside the box. The ballot papers in this box were burnt and disfigured and could not be counted. This also is a proof positive of the fact that the ballot boxes were tampered with.

(f) That in ballot box No. 93/3 of Respondent No. 1 some ballot papers of different polling centres were found inside the box. Petitioner submitted an application pointing out this and wanted to know the numbers of the ballot papers but the petitioner was not given this information.

(g) That ballot box No. 155/4 could be opened without disturbing the seal and the lid came out itself when the box was lifted without breaking the seal.

(h) That one ballot box No. 185 of Respondent No. 3 was found tampered with and the outer seal was found damaged and the lid was also found open and the cover could be lifted without breaking the seal.

(i) That U.P. Type of ballot boxes were used in the election and these boxes could be easily opened and the ballot papers inserted without breaking the seals. Several ballot boxes with open covers were pointed out at the time of counting of votes but inspite of repeated requests such boxes were not sealed. The boxes could be easily opened in the following manner:—

"If the cover of the box is lifted, it revolves on the two corners on the opposite side only on two projecting nails, the revolving portion at the two ends are Arc-like, open on their heads. If the cover is opened with strength and pressed in the opposite side and the revolving portion of the Arc be widened, the whole cover will come out with the seals of the lid intact. Besides if the knot between the thinner and the thicker lips of the lock device under the seal cover is loosely tied, the entire cover will come out without disturbing the seal".

(j) That the agents of the petitioner on almost all polling centres wanted to put their seals under the lid but presiding officers did not allow them to do so. The presiding officers told the agents of the petitioner that they could do so at the end of the polling but when the petitioner's agents requested the presiding officers they were told that such sealing was not permissible. As the lids of the

ballot boxes were found open and loose, it leads to the definite conclusion that during the poll the boxes were closed by men of Respondents 1 and 2 and ballot papers could not be inserted therein. It is apparent that polling did not take place in the manner required by law.

(k) That the room where the ballot boxes were deposited after polling was not properly sealed and a ventilator of this room was found open and a rope was found sealed and a ventilator of this room was found open and a rope to the storage room very late in the night. The petitioner's agents were neither allowed to check the room nor were they allowed to supervise the storing of ballot boxes. The open ventilator was pointed out at the time of taking out of ballot boxes for counting but no heed was paid to the objections. It is apparent that tampering of ballot boxes was done inside the storage room also.

(l) That under election commission's instructions every contesting candidate was required to put his seal on the doors, windows and ventilators of the storage rooms where the ballot boxes were to be stored where the counting was to take place after two or three days from the date of polls. In this case counting took place after about a month from the date of polls and the room in which the ballot boxes were kept had many doors, ventilators etc. which were not sealed at all nor any intimation was given to seal them and thereby contravened mandatory instructions of the election Commission.

(m) That the election authorities of Unnao District ordered repolling for one polling station only without giving sufficient publicity to the same. The petitioner was not even given sufficient notice of this repoll and was informed only a day earlier. The petitioner applied to the Returning Officer requesting him to order repoll in all the polling centres or Parliamentary Constituency in Unnao District in view of general tampering of ballot boxes but the same was not done.

(n) That originally it was notified that the counting at Unnao would take place on 22nd March, 1957 and would continue till 29th March, 1957 and 12 boxes of every candidate would be counted simultaneously on 12 tables but later on it was changed and ordered that 20 ballot boxes of every candidate would be counted simultaneously on 20 tables. But again all of a sudden the date and time of counting and also the number of tables was changed without previous notice to the petitioner and the counting started on 21st March, 1957 at 11 A.M. on 26 tables simultaneously and hurriedly finished on 23rd March 1957. Under these circumstances it was practically impossible for the petitioner's counting agents to properly supervise the counting on 26 tables. The counting was therefore unjust and inaccurate and in contravention of the rules.

(o) That the counting clerks freely moved out of and inside the room at the time of counting. On protest being raised on behalf of the petitioner the clerks were warned and one clerk was actually suspended on repeated objections of the petitioner's counting agents.

(p) That there was no proper verification of the account of ballot papers by the Returning Officer and the petitioner's agents who wanted to check the verification of accounts of ballot papers were not permitted to do so.

(q) That on 22nd March, 1957 while the counting was going on and the petitioner's votes were on the tables, the electric light went off but even then the counting continued in the dim light of candles which were made available after a lapse of considerable time. This darkness created confusion and the ballot papers could not be properly guarded and watched as a result of which the Respondents 1 & 2 got a lead of about 1500 votes.

9. That Returns of Election expenses filed by respondents 1 and 2 in the office of the Returning officer of 361, Unnao Parliamentary constituency are incomplete and erroneous and many items of expenditure incurred by respondents 1 and 2 have not been included in the Returns.

10. That the result of the election was declared on 27th March 1957 and this election petition is being filed on 11th May 1957 within 45 days of the time allowed.

11. That the cause of action arose on 27th March 1957 in Unnao within the territorial jurisdiction of election Commission of India.

12. That the required security deposit of Rs. 1,000/- has been made at Unnao and the Treasury Chalan No. 2 is attached herewith.

The petitioner prays for the following reliefs:—

- (a) That the election of Respondent Nos. 1 and 2 be declared void;
- (b) That the petitioner having secured the next largest number of votes for the reserved seat be declared to have been duly elected to the reserved seat as a member of the Lok Sabha.
- (c) That costs of the petitioner be allowed.

Humble Petitioner
(Sd.) KRISHNA KUMARI.

Verification

I, Krishna Kumari, the petitioner do hereby verify that the contents of paras 1 to 6 are true from my personal knowledge and of paras 7 to 12 along with subparagraphs of paras 7 and 8 partly from my personal knowledge and partly from the information received by me and believed to be true.

Verified on 9th May 1957 at Lucknow.

(Sd.) KRISHNA KUMARI.

[No. 82/477/57.]

By Order,
DIN DAYAL, Under Secy.

